

OLC RECORD COPY

Terrorism

OLC 78-2158/11

8 August 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Results of Senate Select Committee on Intelligence
Mark Up of Anti-Terrorism Bill

1. The undersigned met with Mr. Stan Taylor, Senate Select Committee on Intelligence staff, at the Committee's offices. The purpose of the meeting was to discuss recent Committee action re S.2236, Anti-Terrorism legislation.

2. Mr. Taylor provided a copy of the Committee's amendments (attached), which encompass all of CIA's earlier proposed modifications. In addition, the undersigned reviewed a draft copy of the Committee report so as to ensure that it did not contain classified language. Several objectionable sections were either removed or altered.

3. The bill, as amended, will be passed out of Committee without recommendation.

4. Mr. Taylor advised me that Senator Malcolm Wallop (R., Wyo.), was still not happy with the bill and has begun to mount an effort to kill or greatly modify it on the floor of the Senate.

STAT

Assistant Legislative Counsel

Attachment:
As stated

STAT

Distribution:

- 1 - DDO/Terrorist Group
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OLC:MDC:mao (8 August 78)

MORI/CDF

1. Section 4(a) line 3: delete the words "six months" and in lieu thereof insert the word "year".

2. Section 4(a) line 11: delete the word "thirty" and in lieu thereof insert the word "ninety".

3. Section 4(b) line 12: insert before the word "Such" the following: "With respect to any such incident which affects or involves citizens or significant interests or property of the United States, and with respect to any major act of international terrorism,"

4. Section 4(b) line 12: delete "Such report" and insert "such reports".

5. Section 4(c) line 6: insert after the word "report." the following language: "Any classified intelligence information shall be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence."

6. Section 5(a) line 16: delete the words "six months" and insert in lieu thereof the word "year".

7. Section 5(a) line 23: delete the "(.)" after the word "states" and insert in lieu thereof a "(:)" to be followed by: "Provided, however, that the President may, at any time, by reporting his actions to the President pro tempore of the Senate and the Speaker of the House of Representatives, and by setting forth his reasons therefor add to this list any state which supports international terrorism."

8. Section 5(c) line 10: insert after the word "report." the following language: "Any classified intelligence information shall be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence."

9. Section 6(a)(3) line 11: amend to read as follows:

-(3) approve no export license for the export of commodities or technical data which would enhance the military potential of the foreign government or which would otherwise enhance its ability to support acts of international terrorism, or"

10. After Section 6(b)(1) line 13, insert the following subsection to be labeled 6(b)(2): "Nothing in this section is intended to require the public disclosure of information which is properly classified under criteria established by Executive Order, or as otherwise protected by law. Such information shall be provided to the President pro tempore of the Senate, and the Speaker of the House of Representatives in a written classified report. Any classified intelligence information shall be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. In such case, an unclassified summary of such information shall be prepared and submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives."

11. Section 6(b)(2) line 14: delete the number "2" in the parentheses and insert in lieu thereof the number "3".

12. Section 7(a) line 20: insert after the word "and" the following language: "on four occasions".

13. Section 7(b) line 22: insert after the word "report." the following language: "Any classified intelligence information shall be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence."

14. Section 8(b) line 15: insert a new paragraph 8(c) to read as follows: "Nothing in this section is intended to require the public disclosure of information which is properly classified under criteria established under Executive Order, or is otherwise protected by law. Such information shall be provided to the President pro tempore of the Senate and the Speaker of the House of Representatives in a written classified report. Any classified intelligence information shall be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. In such case, an unclassified summary of such information shall be prepared and submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives."

15. Section 8(c) line 15: delete the "c" in the parentheses and insert the letter "d".

16. Section 8(d) line 22: delete the letter "d" in the parentheses and insert the letter "e".

17. Section 12(b) p. 47, lines 21-22: Delete the numbers "1" and "8" in parentheses and insert in lieu thereof the letters "(1)" and "(s)".

18. Section 12(b) page 48, line 15 thru 16: delete the words "the Secretary of Defense" and insert in lieu thereof the words "his designee".